CONTINUED FROM FIRST PAGE. But if the event should prove otherwise, and if, in truth, the minority of the Union will leave it if they cannot rule it, the path of duty is not less clear. The majority have no moral right to abdicate their power; they are responsible to themselves, to the world, and to posterity, for the intelligent, well-considered, and firm ex-

ercise of it.

In respect, however, to this apprehended or threatened dissolution of the Union by the South, it is the stalest, the poorest, and the paltriest it is the stalest, the poorest, and the paltriest pretext of American politics. From whatever other quarter of the compass a dissolution of the Union may come, it will never come from the South; it will never come from States whose peculiar institution renders them incapable of a separate and independent existence. The maintenance of a self-sustained power among the nations of the earth is impossible with any people weakened, cankered, and demoralized, by Negro Slavery. The two things cannot co-exist. No example of it can be found, in the long history of that institution. The nearest approach to an exception is the found, in the long history of that institution. The nearest approach to an exception is the case of Brazil; and that is an instance, not of independence achieved, but of dominions divided between two branches of a reigning family. Negro Slavery is essentially a colonial institution; it has always existed in colonies, or, as in our Southern States, under conditions enabling it to draw protection from the power and vigor of free communities. The elder Quincy informs us, that when Mr. Calhoun spoke, in 1820, of a withdrawal of the Southern States 1820, of a withdrawal of the Southern States from the Union as a possible event, it was with a view to a subsequent connection with Great Britain. The same thing was openly proclaimed the other day at the Capitol, by one of the Senators from Kentucky, Mr. Thompson.

Not only is this threat of a dissolution of the

Union, by the South, a groundless, an idle, and even a ludicrous pretext; it is even more, and worse! It is defiance and insult! If the four-teen slave States will not submit, who is to submit? Is the majority to submit? Are the seventeen free States, with more than two-thirds of the free people of the country, to be dragooned into obedience? The South refuses all compromise. The lists are closed. There must be a clear victory for the one side or for the other. The one party, or the other, must go to the wall. The rule of the majority is re-publican, and can be submitted to without dis-honor. We submit to it every day of our lives. The rule of the minority is tyranny, in every circumstance which can define tyranny, and nobody but a poltroon will succumb to it. The Government we live under deserves all our affections and all our support, but only because it reflects, or can be made to reflect, the fairly and constitutionally expressed will of the ma-jority of the people. Whenever it comes to be controlled by menaces of revolution and seces-sion from minorities, it will represent only those who can threaten the loudest. That day is, happily, far distant.

Be the issue of existing collisions of opinion

what it may, it is an inestimable moral advan-tage to the North, that it stands upon doctrines common to the whole country when the Con-stitution was formed. The North has adopted no new opinions, and proposes no new policy. When the slave States formed the existing Union, they did it voluntarily, and with the full knowledge that the free States abhorred the institution of Slavery, and would not permit its extension. The Ordinance of 1787 is an imperishable monument, which attests to posterity the opinions of the framers of the Government. It is the South, and not the North, which has seen new lights, and proposes innovations upon the principles of our political

partnership.
It is said that there is an important difference in the position of the two parties now contending for the Executive power; that the Southern party, the party whose object is the extension of Slavery, the party supporting Mr. Buchanan for the Presidency, has friends and allies and supporters in all the free States; and that, on the other hand, the Northern par very, the party supporting Colonel Fremont for the Presidency, has no friends, allies, or supporters, in the slave States. It is said, in short, that the Southern party is national, because it is enabled to present an electoral ticket in all the States, and that the Northern party is sectional, because, with exceptions not important, it presents electoral tickets only in the free States. This statement of the case is specious and plausible, but will not bear examination.

We have, in the first place, the most indubitable facts to satisfy us that very large numbers of the free people of the South dislike the institution of Slavery, and are opposed to its extension. Five-and-twenty years ago, it was the declared opinion of ninety-nine in every hundred in the slave States, that the institution i an unmitigated curse. As late as 1832, this was the almost unanimous voice of Virginia.

Mr. Clay, the trusted leader of Kentucky, maintained this view to his dying day. The contrary view was originally confined to a little coterie of politicians surrounding Mr. Calhoun. It is an exhalation from the bogs and fens and swamps of the tide-water region of South Carexhalation, dark, murky, and disastrous, rise and spread, until it has obscured the whole Southern horizon. As those who saw black clouds gather in the heavens, and veil the luminary of day, would still not doubt its exist-ence, and would still believe that it would again, in due time, gladden the earth with its undiminished and untarnished lustre; so we, who can remember what Southern opinions were, and with our own eyes have marked the origin and progress of the cloud which has ob-scured them, may have undoubting confidence

that they still exist, and will again assert their ower.

It is impossible, in the nature of things, that, within the limits of one single generation of men, the unanimous condemnation of Slavery by the South should be changed into a unanimous approbation of it. All appearances of present unanimity in favor of Slavery are palpably fictitious. They are brought about by a reign of terror, which has muzzled the press and silened free They are brought about by a reign of terror, which has muzzled the press and silenced free speech. In most of the slave States, nobody, except at the peril of life, is permitted to speak on the subject of Slavery, unless he speaks in a particular way. A member of the Legislaure of Texas, having this summer expressed the opinion that Congress has the power to pro-hibit Slavery in the Territories, was admonish-ed by a public meeting in Galveston, that the utterance of such sentiments would not be tol-erated in that city. The other day, in Virginia, within less than one hundred miles of the Cap-ital of the Union, a Mr. Underwood was admonished that he would no longer be permitted to reside in the State, his offence being that he attended the Convention in Philadelphia which nominated Col. Fremont for the Presidency. It is perfectly monstrous to talk about the unanimity of the South under such circumstances. It is the unanimity of Poland, with the Russian knout brandished over it. It is the unanimity of Austrian Italy, under the administration of Mar shal Radetsky. It is the unanimity of the subjects of despotic power the world over. Intelli-gent men will not believe that everybody at the South has fallen in love with an institution which they all deplored and lamented twenty five years ago. A change of opinion, so sudder a change of opinion upon, is not within the com-pass of possibilities. It needs very little examination to perceive that the present show of unanimity at the South in favor of Slavery, is a delusion and a sham, and the result of espion-age, political and social ostracism, and down-right brute violence.

There is one fact, about which there is no mistake, or possibility of mistake, which throws a flood of light upon the real state of opinion at the South; and that fact is, the direction of emigration from it. This light is not a decep-tive light, broken up by a political prism, so as to make some objects look yellow, and others red, and others blue—but it is sunlight, streamhere is solid ground to stand upon. When men break up their residences, and leave the States in which they were born, with all the world before them where to choose, and with no practical limitation, except to keep within the range of the climates to which they are accustomed, they can choose freely between free and slave States; and the choice they make is a demonstration of practical contents. States, it will be seen, that of the emigrants having liberty of choice, three fourths selected the free States. What was true of the emigraand therefore obliged to move into slave tion prior to 1850 is still true; and why should it not be so? Three fourths of the white per-

sons of the South own no slaves, and are both injured and degraded by Slavery.

Everybody personally acquainted with the South, knows the fact to be just what these considerations would satisfy us it must be. There are thousands of persons, not blacks, but whites, in every Southern State, groaning under the tyranny which oppresses them, longing for relief, and yet without the means to strike the which would be the Waterloo of the Slave Ol garchy, would be hailed with delight by vast numbers, from Mason and Dixon's line to the

Gulf of Mexico, who would leap forth into life, and light, and liberty, like captives released from their chains.

It may be true that no Fremont ticket will be run in most of the Southern States. There be run in most of the Southern States. There are very few election precincts at the South, where men who should presume to vote for Fremont would not incur a great hazard of having their throats cut. There is no such thing as law or liberty at the South, where the interests or passions of slaveholders are concerned. What the slaveholders of Missouri have done in Kansas, the slaveholders of Vi ginia, and of every other slave State, are ready to do this day, if occasion calls or passion prompts. The despotism of the slaveholders of the South is the most relentless, bloody, and nfernal tyranny, which an inscrutable Provi dence ever permitted, for the affliction and pun

ishment of mankind.

It is true that no Fremont ticket will be, can be, run at the South, with the exception of three or four States, and that a Buchanan ticket will be run at the North; but this only proves that the North is civilized, governed by law, and tolerant even of flagrant political turpitude; while the slaveholders restrain outward dissent by the strong hand. No Committees of Vigilance have been raised in the free States, to be a law and a state of the states of the s to banish, under pain of death, the men wh attended the Cincinnati Convention—den of thieves, as Colonel Benton, an eye-witness, and a supporter of its candidates, describes it to have been, and abhorrent to the free State as were its principles and objects. The Southern party is permitted, without let or hindrance, to run a Buchanan ticket in every free State; but such a ticket will not receive in them an more votes than a Fremont ticket would receive at the South, if suffrage was free there, and if men could freely speak and write and print their genuine sentiments. At least as great a proportion of the people south of Mason and Dixon's line desire the election of Fremont, as can be found north of it in favor of Buchanan. If South Carolina is against Fremont, Massa-chusetts is against Buchanan, and with equal warmth and unanimity. If Mississippi is en-thusiastic for Slavery-extension, Vermont is en-thusiastic against it. If there is no Republican organization in many of the Southern States, it is simply because the slaveholders will not permit it. Ruling everything with the pistol, the bludgeon, and the bowie knife, they now undertake to take advantage of their own wrongs, and to plead this sham, pretended, and fictitions unanimity of the South, against Col. Fremont, as the crowning reason against his election. It is, in truth, one of the most persuasive arguments in his favor, because it is one of the most convincing proofs of the tyranny of an institution, the further spread of which it is the principal object of his election o defeat.

In Kentucky, where Cassius M. Clay has con quered free discussion, a Fremont electoral ticket has been formed, and will receive, it is admitted, not less than ten thousand votes. The city of St. Louis, the second city in the South, has just elected to Congress a Republican candidate, standing upon a Republican platform. In Maryland, the Republicans, who are numerous and influential, will form an electoral ticket, and poll a heavy vote for it. The numerous letters received by the Republican Association at Washington, from the far South, show how wide-spread and deep is the desire which exists there for the success of the of exposing the writers to ruffian violence, which restrains the publication of these letters, with names and dates. Even the organs of the slaveholders in the extreme South admit that Re publicanism has a large and increasing number

of adherents in their midst. The Mobile (Ala.) Advertiser says: "Well might the delegate in the late Black Republican Convention at Philadelphia argue, that so rapid would be the spread of Republ can doctrines, that in four years they could, with impunity, hold their Conventions in Richmond, Virginia, or Lexington, Kentucky. Was there not good ground for the assurance, in view of the delegates in that body from Virginia, Maryland, Delaware, Tennessee, Kentucky, and District of Columbia? If h had known how many Black Republicans there were in this State and community, he might have moved to adjourn the Convention. to meet in 1860 at Montgomery. There are men here in Alabama, and in this county, who are not ashamed to own a preference to Fremont over Mr. Buchanan."

Conceding, however, to the slaveholders all they claim as to the condition of popular senti-ment at the South, and their pretensions are still altogether inadmissible. In effect, they assume to control the Union, because they control the South. If they can make good this new doctrine of Mr. Fillmore, that no man shall be elected to the Presidency who cannot command Southern electoral votes, they become at once the acknowledged masters of the Republic. To the Jeffersonian qualifications for office—" Is he honest? Is he capable? Is he faithful to the Constitution?"-will be added a new one-" Is he acceptable to the South?"

The case is simply this: A difference o

opinion, as to the administration of the Territo ries in a particular vitally affecting their des tinies—a difference of opinion, broad, funda mental, not, to be sure, increable of compro mise, but in respect to which the South repu-diates all compromise, exists between the free States on the one hand, and on the other hand, states on the one nand, and on the other hand, perhaps not a majority of the free people of the South, but the slaveholding interest, which practically controls and speaks for the South. Such a case admits of but one solution—the submission of the minority to the majority. The difference of opinion exists, not because the free States have adopted any new-light doctrines. They are abiding by the old doctrines of all the fathers of the country, North and South. The difference exists, because the South has adopted the new and modern vagaries of the South Carolina school. In exerting their power to prohibit Slavery in the Territories the free States are only attempting an old application of an old principle; they are attempt ing nothing which can be said to be a surprise ing nothing which can be said to be a surprise upon the Southern States, or in fraud of the principles and understandings, express or implied, upon which the Union was originally formed. They are attempting nothing which assails a single right of the Southern States. They meddle with no institution of the South, peculiar or otherwise. They abide by all the

guarantees and compromises of the Constitu-tion. Conscious of the high justice of their cause, they will move forward, undeterred by menace, coming from whatever quarter it may. Mr. Fillmore's argument against the election possess even the merit of originality. It is the identical argument used against the election of Mr. Banks to the Speakership of the United States House of Representatives. During two long months, on the floor of the House, and in still more violent language in the lobbies of the House, it was insisted that the election of a Speaker, who did not receive a solitary South ern vote, would destroy the Union, beyond

peradventure. In the House, January 17, 1856, (App. to Cong. Globe, page 51,) Mr. Carlile, of Virginia,

Mr. Banks, * * * who will rise in his place, and say that he has the slightest hope of obtaining a single vote for the gentleman from Massachusetts, from all that portion of the Confederacy lying south of Mason and Dixon's line. Surely, such an organization

* * * caunot claim to be national; and its success will, I fear, produce a state of feeling that will SHAKE THIS GLORIOUS UNION TO ITS VERY FOUNDATION."

ished system is rapidly hastening to a prema-Why, what scenes have transpired within

the past twelve months, and even since the meeting of this Congress? We have seen a great party built up in the North, overriding everything, whose opinions were purely sec-tional, whose watchwords were sectional. * * Strange as it may seem, and humiliating as it is, that party succeeded in getting power in this House; and you, sir, were chosen to preside over the deliberations of this body, without having received a single vote, directly, south of Mason and Dixon's line. * I ask, sir, if these facts are not OMINOUS?

What was the language addressed to the Southern Representatives by the Republican party, during the protracted and ever-memorable contest which terminated in the election of Mr. Banks? In brief and in substance, it was "You Southern gentlemen insist that no

man can be national, who cannot get your votes, and that the election of a Speaker without your votes will be an odious, sectional triumph. The truth is precisely the reverse. Nobody is national, who can receive your votes, and whoever receives your votes is, by that fact, proved conclusively to be a sectionalist. YOU HAVE ESTABLISHED A SEC TIONAL TEST. You put the thumb-screws on every man who is proposed for the Speak-ership, and unless he will say that he is in favor of, or will interpose no opposition to, the extension of Slavery, you vote against him. You stand together, a solid, compact body of slaveholders, always unanimous where the slave interest is touched. Nobody will be elected by your aid, except somebody in the interest of Slavery extension. Your tri-umph in electing such a man will be a sec-tional triumph, and doubly odious, because your section is a small minority. You insist upon a Speaker who is for extending Slavery. 'upon a Speaker who is for extending Slavery.

'We insist upon a Speaker who is against extending Slavery. You are united to a man.

'We are not so well united as you are, but we are stronger, and, with God's help, we will beat you. Not one inch will we budge for anybody's threats. Freedom was national, and Slavery was sectional, when the Union was formed, and we mean they shall continue so. You are a sectional faction, banded together for a sectional object. As you will vote for no man who can receive our suffrages, so we suffrages, as we know very well, and you openly say so, that you will vote for no man who is not pledged, body and soul, to Slavery. We utterly deny your claim to nationality. We are the only national party, because, in the first place, we go for Freedom, which is and ought to be national, and because, in the second place, we represent the large majority of the nation This was the language of the Republican

party during the contest for the Speakership, and every word of it is applicable to the pending and every word of it is applicable to the pending contest for the Presidency. It is no objection to Col. Fremont that he can carry no slave State. We should support him as our Representatives supported Mr. Banks, for the very reasons for which the slave States oppose him. This charge of sectionalism is a two-edged sword. If the union of the North is mad and dangerous, how will Mr. Fillmore characterize the union of the South? Does it commend Mr Buchanan to our favor, that the vote of every

single slave State is relied upon in his fa On the 31st of July, 1856, the Washington Union, the central organ of the Buchanan party, made the following announcement:

"With the 120 votes from the South, which Mr. Buchanan is sure of, and the 27 of Penn-'sylvania, it needs only two votes to elect him."

If the South may combine to elect a candidate in favor of the extension of Slavery, may not the North unite in electing a candidate in opposition to it? Are the advantages of union and concert to be the exclusive monopolies of gle, upon whom rests the blame, and which side of the contest ought we, men of the North, to espouse? Shall we go with the South, which has provoked the contest by setting up new and odious tests, or shall we stand by our own people, our own kith and kindred, and our own institutions? With the blood yet fresh upon minions of slaveholding tyrants, shall we ask permission of Virginia and South Carolina to elect the man of our own choice to the Presidency? Is nobody to enter the White House, of the free States to be a fatal disqualification for office and honors? So it has been for long, but so is it not now, and so will it never be again. The charm of Southern invincibility was broken forever, on the day and hour when was broken forever, on the day and hour when N. P. Banks ascended to the Speaker's Chair. The volume of slaveholding domination was then closed. A new era then dawned, which will ripen into perfect day, when John C. Fremont, bearing the hopes of the nation, and backed by exulting and resistless millions, shall restore the lustre of the Presidential office, and,

THE SUMNER ASSAULT.

the true and ancient worship of Republican

SPEECH OF HON. M. H. NICHOLS. OF OHIO.

IN THE HOUSE OF REPRESENTATIVES JULY 12, 1856, Upon the Resolutions of the Majority and Mi

nority of the Select Committee to Investigate the Assault upon Senator Sumner.

Mr. NICHOLS said: Mr. SPEAKER: I do not rise with the hope influencing the vote of any member of the House upon the resolutions before us. My own judgment is already formed, and I presume the mind of every other gentleman upon this floor is already made up, as to the course which it is is already made up, as to the course which it is proper for this House to pursue upon the matter before us. But, sir, after coming to the conclusion to vote for the resolution reported by the majority of the committee, in reference to the principal in this transaction, I have scught the floor for the purpose of explaining briefly the vote I shall give. Before doing so, I shall refer to an incident which occurred in debet on the day these resolutions were taken debate on the day these resolutions were taken

motion to adjourn, which being negatived, he proceeded as follows:

proceeded as follows:

Mr. Speaker, I was about to remark, when interrupted, that reflections had been cast on the action of the committee of which I am a the action of the committee of which I am a member, in respect to the recommendation to print extra copies of the report of the committee to investigate this assault. It will be remembered, that, when that resolution was presented, I sought the floor for explanation. My desire was to state that the report then submitted was a majority report; that I did not assent to it; and, Mr. Speaker, in honesty and fairness, I think this statement meets and dispusses of the charge that any political advantage poses of the charge that any political advantage

nation now. I have no political capital to make out of the question. But, sir, I regard it as a question for adjustment by this House. What, sir, is the question? Have the privileges of the co-ordinate branch of the National one as we ought to take cognizance of? In my judgment, it is an offence of which this

d. Even after the event, they could scarcely any decimal from Georgia [Mr.]
believe their own eyes, when they saw the walls
of the Capitol still firm and solid. If the Union
was not dissolved, they did not believe it could
long survive the shock.
In the House, March 11, 1856, (App. to
Cong. Globe, page 136,) Mr. Wright, of Tennessee, said:
"My brief experience as a Representative
"has greatly increased my fears that our cher"has greatly increased my fears that our cher"has greatly increased my fears that our cher"My brief experience as a Representative
"has greatly increased my fears that our cher"My brief experience as a Representative
"has greatly increased my fears that our cher"has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased my fears that our cher"My brief experience as a Representative has greatly increased mor a Senator, tit is true, may be such that the House has no breach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach of privilege, and that the House has no hereach o

spoken in debate, he made up his mind to all the consequences which might follow the act. And I will do him the credit to say, that when it was first proposed to make this a subject of investigation here, he had the courage to come forward, and avow himself responsible to all the consequences of the assault. I have the right to assume that he had deliberately made up his mind to all all shield to the Representative forever, in respect to words spoken in the course of official duty. And it matters not, sir, whether his representative character has been divested or not, he is forever free from question in a court of justice.

But do gentlemen seriously contend that immunities from civil liability are the only ones munities from civil liability are the only ones of the set.

But do gentlemen seriously contend that immunities from civil liability are the only ones of the communities from civil liability are the only ones of the set.

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bilities flowing from the act itself. [Mr. Brooks nodded assent.] The gentleman assents to my last proposition. And I presume, if the House vote that the act was an infringement on the rights and privileges of the Senate, this is one of the consequences to which he held himself liable. If it is said the gentleman conceived himself to be so aggrieved that he could only be avenged by the exercise of his physical strength, then that gentleman and his friends ought not to complain if the House of Representatives, constituted as it is, deems it proper, out of regard for its own dignity and the sovereignty of the people, to express its disapprobaeigaty of the people, to express its disapprobation of the act.

Sir, in the investigation of this case, I believe that I am not animated by any party spirit. I believe, in addition to that, that I have nothing to gain from the determination of this case any way. It would afford me more pleasure vote against the expulsion of the gentleman from South Carolina, than it would to vote to from South Carolina, than it would to vote to cast any imputation or censure upon him. But I believe that the peace of the country in the future, and the security of debate in the present, require action at the hands of this House. If I did not so believe—if I did not believe that the peace of the future was involved in the action of this House, I should be very slow to move in this matter, or to say one word in ref-erence to the transaction which has occurred. Sir, when I heard that this assault had been committed, it was a matter of grave question with me, from my personal acquaintance with the gentleman from South Carolina, whether the report which reached me was one of truth or falsehood; and I have to say in reference to it now, without one word as to the motives which prompted him, and into which I have no right to inquire, that I believe it to be an unfortunate transaction, and one which never ought to have occurred.

question, as to whether, when it undoubtedly has occurred, it is a matter which this House should take jurisdiction and cognizance of, and whether—that point being determined in the affirmative—this House has the authority and the right to dispose of it in the manner recommended by the majority of the committee. Sir, I believe that we have that right—that we have that power; and, without going into a recitation of the precedents and principles which have adjusted assaults and breaches of the privileges of this House heretofore, at this point in my remarks, it is sufficient for me to say that, in no instance, from the foundation of the Gov-ernment down to the present time, has either branch of the Legislature failed to take cognizance of such an offence as this, and to mar fest their disapprobation of it. I take it, then that the precedents are clear and conclusive that the course of legislation in regard to thes matters has been clear heretofore, and that, i we follow the light of experience—if we adop the precedents furnished us by our fathers—there can be no question that this case is a proper one for the House to take jurisdiction of. There can be no doubt about that.

And this brings me to an investigation of th

clause of the Constitution which gives us power to investigate cases of this kind—that clause which declares that each House shall prescribe rules for its government, that each House may But it is urged that, even if the House has this power, it should not be exercised, for certain reasons. The gentleman from Georgia [Mr. Cobb] said, that, although the power was clearly conferred by the Constitution, it should not be exercised by you in any case of breach of privilege, until you had first passed a law defining, from first to last, what constitutes offences against the privileges of the House, and prescribing the punishment therefor. I do not concur in that view at all. I do not concur in the train of reasoning by which the gentle-man from Georgia reached his conclusion.

It appears to me that, if we adopt that gentle nan's reasoning, all we have to do is, put the Constitution in a straight-jacket, and lay it aside—to decide that its provisions have not sufficient vitality to vindicate its positive injunctions, and permit any man who commits an offence of this kind, which, in my judgment, unequivocally violates its plain provisions, and destroys the rights of the people guarantied by that instrument, to pass with impunity. It has been well said in this discussion and elsewhere casting the false gods of modern idolatry to the moles and to the bats, shall bring back again by our judiciaries and by the most learned commentators upon the laws of our country— that discretion must exist somewhere, and that it is a necessary incident of every Government. Sir, if discretion is to exist anywhere, I do not nmentators upon the laws of our countrycers, or altogether in the courts; I would infinitely prefer to see it vested in this body, which is the immediate representative of the people, reflecting their wishes, and whose judgments and actions ought to be, at least, if they are not, in conformity with the will of their constituents. If discretion is to be vested anywhere, I would rather see it here than in your courts, your administrative or executive officers, or in any other body. And there is a manifest propriety in placing it here. Your executive and ad-ministrative officers spring from the discretion invested in the representatives of the people they are themselves the creatures of the sover eign power of the people, exercised by

> Mr. Speaker, when the argument of the ger tleman from Georgia [Mr. Cobb] was being de livered, I listened to it with a great deal of atten tion and a great deal of respect; but as it proceed ed, these questions forced themselves upon my mind, and I involuntarily turned to the con eration of this state of things. I have thought sir, that it would be a matter of great propriet to see inscribed over the entrance to this Hall I pictured to my own mind, that, under the rules prescribed by the gentleman from Georgic that inscription would be something in these words: "It shall be a breach of privilegent to the province of the prov to assault a member of Congress.' to assault a member of Congress." "It shall be a breach of privilege to assail and abuse any member for words spoken in debate." "It shall be a breach of privilege to do anything which could create a personal disability, to interrupt the course of legislation here, or to inflict per sonal disability on any member of this body.' Now, sir, although this may be the wish and disability of the gratians from Georgia. determination of the gentleman from Georgis who says that all these things should be sprea on our book of rules, and upon our statute-boo yet I infinitely prefer that they should rest up the plain provisions of the Constitution and the law which now governs, and always has gov-erned, the deliberations of this House, and which defines the privileges of legislators, and protects the dignity of our National Legislature. But, sir, great stress is laid upon the wor

"question." The gentleman from Georgia—
the minority of the committee—seeks rather to
refer the plain ordinary provision of the Constitution, "and for any speech or debate in
'either House they shall not be questioned in
'any other place," to a simple immunity from
prosecution for libel in a court of justice. It
shall not stop to discuss the various uses of the
word "question"—to point out how a man may my judgment, it is an offence of which this House ought to take cognizance. I would be glad, from the personal relations which I have sustained to the gentleman implicated in this matter, if I could, from a sense of duty to myself, to the Constitution, and my constituents, be brought to regard it in a different light. The conclusion to which I have arrived is, that the resolution submitted by the majority contemplates such action as it is proper and just that this House should take in the premises.

Yet the majority report of the committee is assailed. The gentleman from Georgia [Mr.] and slave States; and the choice they make is a demonstration of preference which cannot be mistaken or gainsayed. Now, of the 838,387 persons who had left the border slave States, in 1850, and who were living in other States, in 1850, and who were found living in free States. And if allowance be made for the emigrants having slaves, and therefore obliged to ware into allowance be made for the emigrants having slaves, and therefore obliged to ware into allowance and slave should take in the premises.

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Yet the majority report of the committee is assailed. The gentleman from Georgia [Mr. Cobb] limited to any such narrow sense. A Representative, or a Senator, it is true, may be such that this House should take in the premises.

But do gentlemen seriously contend that immunities from civil liability are the only ones contemplated by this provision of the Constitution? Is it true that, while you may not subject a man's pocket to depletion for words spoken in debate, or speech delivered, you still may beat him, that you may shoot or destroy him, beat him, that you may shoot or destroy him, and that this is no "questioning;" that a mem-ber may do this to a fellow-member, and that both remaining within the House, subject to its laws, its jurisdiction, and yet that the offender cannot be reached by any action here? That such "behaviour" is not disorderly—that such such "behaviour" is not disorderly—that such conduct is not cause for expulsion, or any other proper action of the body to which the offender belongs? Mr. Speaker, I put this matter seriously to the House—to this body, which, as the direct representative of the people, ought to, if it does not, possess a high sense of the majesty of the power which creates and sustains it. Are the constitutional rights of life and personal security of less consequence than the right of property? Are we to shield the member's pocket, and yet leave his life, his personal security. to and yet leave his life, his personal security, to the reckless and lawless consequences of pas-sion, uncontrolled by law or reason? No, sir; nature and reason revolt at such a conclusion consequences of the positions assumed here by gentlemen. Yet, sir, such seems to me to be the inevitable

But, sir, for the benefit of the gen the Opposition, I wish to cite an authority in reference to this point. I need not say, Mr. Speaker, that precedent is invariably opposed to these assumptions. That "free speech" must be accompanied with a "free use of the bludgeon," is a doctrine of latter-day invention and application. But, sir, to my "precedent;" I allude, sir, to the difficulty between Mr. Randolph of Virginia, and Mr. Clay of Kentucky, dolph of Virginia, and Mr. Clay of Kentucky, in 1826. For words, sir, much more personal, more bitter in character, than those alleged as a justification for this assault, Mr. Clay challenged Mr. Randolph. In the Thirty Years' View, by Colonel Benton, we are assured that Mr. Randolph adopted the resolution, in the duel to be fought, not to fire at Mr. Clay, for two reasons. First, an unwillingness to injure Mr. Clay; and secondly, because to do so would, in the language of the author, be an implied in the language of the author, be an implied acknowledgment of Mr. Clay's right to make him answer. This he would not do, either by implication or in words. He denied the right of any person out of the Senate to question him for words spoken within it. He took a distinc-tion between a man and a Senator. As Sena-tor, he had a constitutional immunity given him for a wise purpose, and which he would neither surrender nor compromise. As an individual, he was willing to give satisfaction for what was

deemed an injury.

And, again, upon page 71 of the same work, we find the following:

"Mr. Randolph accepts the challenge of Mr. Clay; at the same time, he protests against the right of any minister of the Executive Government of the United States to hold him responsible for words spoken in debate, as a Sentation of the University." This, sir, was the sense which one of the

great men of his age held in reference to this question of privilege—this constitutional safe-quard of free discussion; and I shall show, Mr. But it is alleged, in vindication of the position taken by the minority of the committee, that there are certain considerations involved in this question, which appear never to have struck those who have heretofore had the disposition of such cases, and it is only to one or two of those points that I wish to direct my attention. My own opinion in reference to the clause of the Constitution which gives us power.

the political degeneracy of the times, of the bitmember—my opinion with reference to it is, that the power given them over offences of this kind is plenary, that it is full and absolute. the thind is plenary that it is full and absolute.

what do you see? The speech of Mr. Summer was characterized by extreme severity—gentlemen here say it was incendiary, insulting, and libellous in its character. I am not here to draw nice distinctions. With the peculiar views of CHARLES SUMNER, I have no sympathy; but, sir, he is an American citizen; he has all the rights belonging to that high character—the right to his opinions, and their free expression. I have stood in the forum of Senatorial debate, and have heard him denounced as a "moral traitor," in common with others—not because there was justice in such denunciations, but because it was popular to denounce—because it was the sentiment of the locality which dictated denunciation rather than argument. Sir, I have no word to say in vindication of that speech. Such as it was, it had passed unquestioned in that body. No call to order had interrupted it; no Senator arose in his place to urge that it violated the privileges or the decorum of debate—not one, And I think, sir, when gentlemen arraign that speech here, they are, granting their strict-ares to be true, very clearly demonstrating that the standard of parliamentary courtesy and pro-

priety is a very low one in the Senate of the United States.

If this speech was one for which its author should have been held responsible in a personal encounter, it is one which should have been checked in its delivery. If it was a production fit to subject its author to the disgrace of per sonal chastisement, then it was disgraceful for a deliberative body to sit and listen to it. But, a deliberative body to sit and listen to it. But, sir, it was listened to by a body jealous of its privileges, courtesies, and rights—listened to, sir, without interruption; and I am bound, as such is the fact, to take it as parliamentary.

Sir, I shall regret it exceedingly, if this discussion assumes a personally offensive character. My object in rising was not to inflame passion, but to invite a cool and deliberate judgment.

We are not advocates to plead for the condemnation of any man. Our committee has made

nation of any man. Our committee has made its presentment of facts, arguments, and conclusions, and we are judges—judges of the law and the facts. Well, sir, let us examine these lispassionately.

"The Hon. PRESTON S. BROOKS, a member of the House of Representatives from the State of South Carolina, did, on the 22d day of the present month, after the adjournment of the Senate, and while Mr. SUMNER was seated at his desk in the Senate Chamber, assault him with considerable violence, striking him nu-merous blows on or about the head, with a walking stick, which cut his head, and disabled him for the time being from attending to his duties in the Senate."

This is the exact finding of the Senate, as to This is the exact finding of the Senate, as to the assault; and the justification of the party charged with the offence is also stated by the senate committee in his own words. It was because Mr. SUNNER used language in debate, on the Monday and Tuesday preceding, which Mr. BROOKS considered libellous of the State of South Carolina, and slanderous of his near kinsman, Mr. BUTLER, a Senator from that State, who, at the time, was absent from the Senate and the city. The committee of the Senate sir return city. The committee of the Senate, sir, return their finding as to what offence was committed, in these words: "That this assault was a breach of the priv-

ileges of the Senate."

And the committee further report:

"The Senate for a breach of its privileges, cannot arrest a member of the House of Representatives, and, a fortion, cannot try and punish him; that such authority devolves upon the House of which he is a member;" and, therefore, "that it is not within the jurisdiction the Senate, and can only be punished by the 'House of Representatives, of which Mr. BROOKS is a member."

And, by resolution, the Senate sends the whole case here for action. Acting upon this presentment by the Senate, and upon the further testimony brought out by their examination, the majority of the House committee report the following resolution:

"That PRESTON S. BROOKS be, and he is forth-

with, expelled from this House, as a Represent-ative from the State of South Carolina;" With a resolution of disapprobation as to the course of Messrs. Enguneson and Keirr, in reference to the assault. And the minority of

rganized to restrain such conduct, not to aid od foster it. Men form civil communities, and order is preferable to anarchy and disorder. If, then, this be true as to the citizen, in my judgment, the offence becomes one of the first mag-nitude, when levelled at one clothed with the character of a Representative or Senator, where freedom of opinion, freedom of speech, and per-sonal safety, are essential to a faithful exercise

delegated power.
But, sir, I am clear as to the course I shall oursue. I believe it is sustained by the Consti-ution, by legislative precedent, and by sound eason. My reading of the Constitution enables me to see my way in this matter without diffi-culty. I choose to take its letter and spirit for my guide, and not to fritter away or weaken its my guide, and not to fritter away or weaken its plain provisions by abstractions. But, sir, I propose more, in the time that remains to me, to review the report of the minority of the committee, than anything else in these remarks. We are asked what warrant we have for this proceeding; whether we find it in the Constitution; and if not, where is it found? I answer this committee, that we do find it in the Constitution, in the fundamental as well as the clear-ly-established and well-acknowledged law of this country, as applicable to parliamentary

What, sir, are the immunities of a member of he Senate or House of Representatives? Section six of the Constitution says :
"They shall, in all cases except treason

or breach of the peace, be privileged from ar-rest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be

questioned in any other place."

I need not say, sir, that this right of free diszen most highly prized. We know this well.

It is a right for which revolutionary blood was shed. It is a right asserted here as often as it has ever been questioned. And the sanction of great names has given it a character, that ephemeral discussions of the day cannot

reaken or destroy.

If it be true, then, Mr. Speaker, that the Contitution protects the member for words spoken a debate, (and of this, I apprehend, there can be no question,) the inquiry arises, How is the member withdrawa from the protection thus af-forded him? I know of but one mode. On page 58 of our Manual, I find: "For any speech or debate in either House, they shall not be questioned in any other place."—(Const. U. S., 1—6; S. P. Protest of the Com. to James I, 1621, 2d Rapin, No. 54, 211, 212.) But this is restrained to things done in the House in a parliamentary court.—(1 Rush, 663.) For he not to have privilege contra morem parlia-entarium, to exceed the bounds and limits of nis place and duty.

It is usual, sir, in justification of this assault,

and in the assault upon the majority report, to constantly assert that the speech which provoked the difficulty was, in itself, an invasion of the privileges of debate. I have, sir, alluded to this matter before, and I do so now again, to put at rest even that attempt at justification.
Section five, second clause, Constitution of

he United States, says: "Each House may determine the rules of its proceedings," &c.—that is, each House adopts rules for its government, which, so far as the House adopting them concerned, are absolute. Each House is the udge of its own order of debate, of the proprities and legislative courtesies to be observed there. So necessary, so indispensable, is this power and privilege to the independence of co-ordinate branches of the same National Legis-

general parliamentary law, the following:

"It is highly expedient, for the due preservation of the privileges of separate branches
of the Legislature, that neither should encroach upon the other, or interfere in any matter de-pending before them, so as to preclude, or even to influence, that freedom of debate which is essential to a free council. They or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the Legislature, until the same have been communicated to them in the usual parliamentary manner."—Hatsel.

judge of parliamentary proprieties in reference to the speech of Mr. Sumner. That body had, by tacit consent, passed upon it; had endorsed it as within the scope of their rules; as unobjectionable according to the standard set up in that august body. As a speech made in fair debate, it was protected—protected not only by the Constitution of the United States, but by the rules of the Senate, and by the law of the land. It was not, so far as law and the privi-leges of legislative bodies are concerned, ques-tionable anywhere, except in a session of the Senate, in fair debate. Any attempt to change the responsibility was not only a violation of the Constitution, but it was still more a violation of legislative courtesy; an invasion of the majesty of a sovereign State; a violation of

natural rights.

But I am told, sir, that any notice of this affair, in the manner proposed, will be an inva-sion of the rights of the citizen; that the privileges of legislative bodies are so vague and ill defined, that we cannot mark their boundaries, or safely resort to them for justice. We are told that there is no safety, save within the pro-

visions of the Constitution.

It appears to me, sir, that the minority report is based upon a misapprehension of this case; that in the argument its assumptions are not supported by the status of the proceeding. What is it we propose to do? Do we propose an imprisonment of any person? No, sir. Or do we threaten the life or property of any gentleman? Not at all. How, then, the rules of man? Not at all. How, then, the rules of trial, in criminal cases, can have any application—how the right of trial by jury, the presentation by a grand jury, or the machinery of criminal jurisprudence, can be invoked in this proceeding, I do not know. In my judgment, proceeding, I do not know. In my judgment, our proposed action involves no breach of any of these well-settled rights or obligations. The House is called upon to manifest its senge of the conduct of one of its own members; to pass upon the propriety of the action of a gentleman, which action is admitted on all hands to have which action is admitted on all hands to have been an infraction of the laws of the land, and which, I think, was an infraction of legislative right. But how is it proposed that we shall act? By imprisonment, fine, or any corporeal or pecuniary punishment? Not at all, zir. The resolution is, that "Preston S. Brooks be expelled from this body." And, sir, if we go to the Constitution, it appears to me that we find the power for this proposed action very elearly given. Section five of the Constitution says:

" Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of twothirds, expel a member." Now, does any gentleman pretend that this

Now, does any gentleman pretend that this power is not wisely given, or that it is not necessary to the existence of a legislative body—its dignity and capacity for legislation?

But, sir, the power, in this case, is not loose, yague, and uncertain. Far from it. The power granted by the Constitution, in the clause just quoted, is three-fold in its character:

 To establish the rules of proceeding.
 To punish members for disorderly conduct. 3. To expel a member, with the concurrence The provisions of Constitutions are always

general—a mere assertion or denial of powers and principles. They are not legislative; they are merely the rules to which legislation shall be squared. That the Constitution does not go on and prescribe the distinct causes for which the power of expulsion shall be used, is no argument that it shall not be used at all. The causes may be as various in their character as the passions or interests of humanity. The power is granted, to be exercised, upon proper cause, by legislative bodies, under the same responsibilities that any other power is exercised.

tee begin in 1547, and, with the exception of a single one, end in 1695. The exception is the case of Sir Francis Burdett, committed to the Tower in 1811, for a libel upon the House of Commons; and, as an offset to this latter case, it may be said, that the Senate of the United States, within a few years past, arrested a man for an alleged breach of its privileges, and held him in custody for a number of days; and that, for alleged libels upon its character, that body has frequently withdrawn its privileges from various persons connected with its deliberations.

Discarding those precedents which have arisen under our own Constitution, in the legislative history of our country, the minority of the com-mittee have adopted those drawn from the revolutionary history of a country where a continual conflict was maintained between the mon-arch and his subjects, before the birth of the "habeas corpus act," or the passage of the "bill of rights," had secured, even in the ordinary administration of justice, the natural rights of Englishmen—precedents drawn from the days when Scroggs and Jeffreys presided in the courts, and minions of power were in the legis-lative bodies, with "hinges in their knees," to crook at the footstool of kingly power-prove not much, at this period, save the unhappy condition of the law at that day, and the aggressions of power above and beyond the control of the people. And, sir, if the committee had turned to our own history, it appears to me that safe, just, and wise precedents, would have resolved all their doubts. In March, 1796, Mr. Baldwin, a member of

this House, presented to the House certain cor-respondence between himself and General Gunn. Senator from the State of Georgia, including a challenge addressed to him by General Gunn.
These were referred to a committee, of which
Mr. Madison was chairman, who reported, by
their chairman, that the same was a breach of the privileges of the House on the part of General Gunn and Mr. Frelinghuysen, a Senator from New Jersey, by whom the challenge had been borne. This House, then, by its report, assert-ed its dignity against an offence on the part of the Senate. In this case, the Senate report that a member of this House is the offender In May, 1828, a personal assault having been made by Mr. Russell Jarvis upon Mr. John Adams, the Private Secretary of the President, just after his delivering a message to the House of Representatives, and while on his way to the Senate with another message, the matter was, on complaint of the President, referred to a select committee. A majority of the committee, by Mr. McDuffie, of South Carolina, their chairman, reported that-

"Upon a view of all the circumstances, the committee are of the opinion that the assault committed by Mr. Jarvis upon the Private Secretary of the President, whatever may have been the causes of provocation, was an act done in contempt of the authority and dignity of this House, involving, not only a violation of its own peculiar privileges, but of the im-munity which it is bound, upon every princi-ple, to guaranty to the person selected by the President as the organ of his official commu-

nications to Congress."

And, again, in 1832, the House of Represent atives, after a long trial and thorough discussion of the question, voted that General Houston, by making a personal assault on Mr. Stanbery, a member of the House, for words spoken in debate, was guilty of a contempt and violation of the privileges of the House. But, perhaps, the first example of punishment for breach of privilege, and for an offence against the character of a legislative body, is found in the following instance:

that body. I believe there was but one vote against his expulsion. His offence was an at-tempt to seduce from his duty an American agent among the Indians, and to alienate the confidence of the Indians from the public authorities of the United States. Justice Story says of this case, (2 Commentaries on the Constitution, 299:)

"It was not a statutable offence : nor was it committed in his official character; nor was it committed during the session of Congress; nor at the seat of Government. * * It seems, therefore, to be settled by the Sen-ate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punishable by any statute, is inconsistent with the trust and duty of a Senator."

And in reference to the power which may be exercised in such cases, the same Justice

"The power to expel a member is not, in the British House of Commons, confined to offen-ces committed by the party as a member, or during the session of Parliament; but it extends to all cases where the offence is such as,

tends to all cases where the offence is such as,
in the judgment of the House, unfits him for
parliamentary duties."—Ibid., 300, 301.
Justice Story, after asserting this power to
punish contempts to be fully vested in the Congress of the United States, well remarks:
"Nor is this power to be received in an unfavorable light. It is a privilege, not of the
members of either House, but, like all other privileges of Congress, mainly intended as a privilege of the people, and for their benefit."-

Jefferson, in his Manual, section third, enumerates the powers and privileges of Congress over their members, and says that "no further law is necessary, the Constitution being the law."

Rawle, in his work on the Constitution, says: "Expulsion may, however, be founded on criminal conduct committed in any place, and either before or after conviction in a court of law."-Pp. 43, 44, 45.

Mr. Speaker, the Senate reports to us unan mously a breach of their privileges. I could not see the necessity of a committee of inquiry here for as to the facts—that an assault had been committed-that such assault was a breach of the privileges of the Senate-I considered that it was a determined question—that these things were res adjudicata.

The question is, How should we punish, and have we the right to punish, for an infraction of the Senate's privileges? I think we havethat the authorities cited prove the power, and that we have only the simple question of expe-diency. Why should we punish? Because,

sir, "Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them." Sir, the propriety of this mode of procedure such, that I forbear all comment.

These precedents, sir, founded upon the plain provisions of the Constitution—supported as they are by the Manual, which is the law of our House—to my mind, dispose of the whole case, and clearly answer the report of the minority. But, sir, the minority report takes a distinc-tion between a speech delivered in the Senate and a speech printed—and intimates that, while and a speech printed—and intimates that, while the privilege may attach to the one, it cannot to the other. Sir, this appears to me to be a singular view of this case. Is not the distribu-tion of every speech made here a thing of course, under laws passed by Congress? What are these reporters for? What the vast volumes of Congressional Globes, which, at every long sea-sion, swell up to three or four release? sion, swell up to three or four volumes? Why, simply that the opinions of members shall be distributed—shall be published to the world. It appears to me, sir, that, when Congress assumes

the responsibility of providing by law for the distribution of speeches, it is full late to urge such a distinction as that taken by the minor-Mr. Speaker, I have attempted simply to dis-Mr. Speaker, I have attempted simply to discuss the legal bearing and consequences involved in this case. In my action with it, I have simply looked to the character of Congress as w legislative body, and sought to estimate what was due to ourselves. I have no feeling to gratify in the matter, no wish to provoke or inflame sectional feeling. No man regrets the occasion for my vote more than I do. No man would more gladly give up something to the infirmities of passion, and to the weaknesses which sometimes mislead men, than myself. The maxim of Goethe, "that as we grow older, we should rather cherish than reject; but if I pursue a contrary course now, it is because, in my humble judgment, the bitterness of discussion in the PHILOSOPHICAL AND CHEMICAL APPARATUS,

requires that no such occurrence as this show pass unheeded. It is urged, sir, that a proper mode of settle this controversy is by a personal adjustment be tween the parties to the assault; that "person responsibility" is the best method of regulati affairs of this kind. But, permit me to ask, gentlemen seriously assent to this doctrine? they mean to have us understand that, for ev offence taken here by a gentleman, whether w or ill founded, the inevitable resort must be the arena of personal combat, and that the Houses must see this system inaugurated yield up the power they possess, of vindica their own dignity, to the select few who prescr the terms and conditions of a barbarous cod opposed to civilization, humanity, and reaso Oh, no, sir. While I confess, sir, that my o ideas of personal responsibility are not those

> God forbid that we should give to the pisto the street fight the solution of questions of p ilege! And believe me, sir, the Northern and W ern men—the voters—sanction no such thi Educated to look upon deliberate killing as u der, in violation of God's law and man's taught to look upon personal encounters as c reputable, they ask that no such rule shall acknowledged here. They practice, sir, up a different principle, and acknowledge no or gation that perils life upon a foolish puncti or exaggerated sentiment.

almost the whole mass of Northern men.

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MANUFACTURED BY C. B. WARRING, And the freedom of legislative action at all times,